



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
June 8, 2009
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, M. Goodman-Hinnershitz, S. Marmarou, J. Waltman, S. Fuhs, V. Spencer

OTHERS IN ATTENDANCE:

L. Kelleher, S. Katzenmoyer, R. Hottenstein, C. Heminitz, W. Bealer, J. Lillis, C. Younger

Mr. Spencer, President of Council, called the Committee of the Whole meeting to order at 5:04 p.m.

I. Municipal Performance Bond – Reading Parking Authority

Mr. Lillis stated that the Parking Authority has had land development improvements at 7th & Penn Streets approved by the City. He stated that the performance bond will cost approximately \$75,000. He requested that Council waive the posting of the security bond for these projects. He stated that the resolution before Council this evening was based on the resolution recently passed by Council waiving the bond requirement for Our City Reading.

Mr. Younger stated that Ms. Mayfield approves of the waiver.

Mr. Hottenstein stated that the Administration approves of the waiver.

Mr. Marmarou questioned if the Parking Authority was required to post the bond for past projects. Mr. Lillis stated that Ms. Mayfield is now enforcing the posting of the bond and stated that Council may grant a waiver as they have done for Our city Reading.

Mr. Spencer stated his belief that the waiver should be granted as this is a City project and not a private developer.

Mr. Bealer stated that the Planning Commission did not enforce the bond prior to their gaining legal assistance. He stated the reason behind the bond requirement and that the Planning Commission supports waiving this bond.

Mr. Spencer stated that this resolution is on this evening's agenda for action.

II. Sidewalk Vending Ordinance/Vending Machines

Mr. Bealer stated that he has been appointed as Chair of the Vending License Board. He stated that the sidewalk vendor ordinance states that ten licenses for vending machines are to be issued annually. The ordinance does not provide any other guidelines. He stated that the DID Ambassadors completed an inventory of downtown vending machines and there are 28 vendors and 158 machines. He stated that the Board would like Council's guidance and direction on this issue. He made several suggestions including:

- Remove vending machines from the ordinance and do not control them
- Add regulations regarding vending machines to this ordinance
- Add regulations on the locations of vending machines
- Ten licenses may mean ten machines or it may mean ten owners with multiple machines

Mr. Younger stated that vending machines are also covered in the Health Code. Ms. Kelleher noted that there can be right of way issues.

Mr. Bealer stated that enforcement of the ordinance and the way the machines are secured in their locations are other issues to be resolved.

Mr. Waltman questioned if Council was the best place to work on these issues. Mr. Bealer noted his willingness to work with codes on this issue.

Mr. Fuhs reminded all of the Downtown 2020 plan.

Mr. Spencer stated his belief that the intent of the ordinance is to minimize vending machines in the downtown area.

Mr. Fuhs stated the need to set a limit. He stated his belief that these machines add to the litter problem. He stated that downtown needs to be clean to accomplish the Downtown 2020 vision and that there should be no vending machines on Penn St. Mr. Bealer stated that Mr. Broad holds these same beliefs.

Mr. Bealer will report back to Council with recommendations to move forward.

III. Agenda Review

Council discussed this evening's agenda including:

- Resolution authorizing the Mayor to sign and submit an application for the US Department of Energy Efficiency and Conservation Block Grant program

Mr. Hottenstein stated that the City would be receiving \$791,000 to use for street and pedestrian lighting.

Mr. Spencer questioned the time frame in which the money needs to be spent. Mr. Hottenstein replied that it was one year.

Mr. Spencer questioned if this grant could be used to install solar energy panels for City buildings. Mr. Hottenstein stated that it is allowable.

Mr. Spencer questioned if Public Works would support this initiative. Mr. Hottenstein stated that they do not.

- Resolution authorizing Council to testify at the June 10th Zoning Hearing Board meeting regarding quality of life issues

Mr. Spencer questioned the need for this resolution.

Mr. Marmarou questioned if, when appearing, you should represent yourself as an individual or a Councilor. Ms. Kelleher stated that Mr. Fuhs has volunteered to attend Zoning Hearing Board meetings. She stated that Ms. Mayfield advised her that this resolution is necessary.

Mr. Fuhs stated that the Zoning Hearing Board is quasi-judicial and are taking testimony.

Mr. Waltman stated that if Council's opinion as a whole is being stated it would be unlikely Council would have the time to prepare a statement on each application. He stated his opinion that statements must be made individually.

Mr. Fuhs stated that he always considers himself a Councilor when making statements to any City board, authority or commission.

Mr. Sterner stated that the Zoning Hearing Board listens to testimony and makes their decision independently.

Ms. Kelleher stated that the applicant's attorney can question the standing of Council members when testifying.

Mr. Fuhs stated his concern that this would set a precedent. He stated that testimony should be allowed in any case.

- Award of Contract to Fox Rothschild as legal counsel to negotiate inter-municipal agreements for sewer services

Mr. Hottenstein stated that the RFP process was followed and the Administration recommends moving forward with this contract award.

Mr. Fuhs questioned who, locally, would represent the City. Mr. Hottenstein stated that it would be John Maravich.

Council entered into executive session to discuss litigation at 5:41 pm. They exited executive session at 6:02 pm.

- Ordinance amending Motor Vehicles and Traffic by eliminating the fee for parking permits for funeral homes

Mr. Waltman stated that this has become a debate of principles. He stated his hope that people be allowed to pass quietly from life.

Mr. Marmarou questioned how many signs would be allowed. Mr. Waltman stated that it would be as many as necessary.

Mr. Marmarou questioned when the signs would be posted. He stated that this requirement should be included in the ordinance. Ms. Katzenmoyer stated that this requirement is included.

Mr. Marmarou stated that this will cause more problems than it will correct.

Mr. Sterner stated that funeral homes should consider this a business expense. He stated that he will not support the ordinance because other groups will also lobby to become exempt. He stated that this ordinance is the result of one person's complaints and was not a problem in the past.

Mr. Waltman stated that politics has recently become involved in this issue.

Ms. Kelleher stated that the fees have been charged for the past ten years.

- Ordinance amending Historic Districts to regulate the placement of satellite dishes and other modern devices and accessories

Mr. Fuhs stated that the FCC allows this regulation in historic districts. He questioned if it could be applied City-wide. Ms. Kelleher stated that it could not.

Mr. Hottenstein questioned if the one year period to relocate the satellite dishes and other devices was required. Ms. Kelleher stated that the FCC requires ample time to relocate existing dishes.

Mr. Waltman stated his belief that one year was too long. Ms. Kelleher stated that Ms. Johnson and the HARB may not be able to process the requests in less than one year.

Mr. Spencer stated concern that this ordinance does not grandfather existing satellite dishes but other ordinances always grandfather existing conditions. He stated that other ordinances should also require action, especially on large, important issues.

Mr. Waltman stated his belief that these devices do not belong in plain view in historic districts.

Mr. Hottenstein stated that the Administration supports the one year period.

Ms. Goodman-Hinnershitz stated that moving the items may not be possible as the signal may be lost.

Mr. Waltman stated that these issues are then brought to the HARB for approval to remain with an approved covering.

Mr. Sterner voiced his support for the one year period.

Mr. Spencer questioned if HARB supported the one year period. Mr. Waltman stated that they did.

Mr. Jones joined the meeting at this time.

- Ordinance authorizing an easement to the Water Authority for a parcel along River Rd

Mr. Spencer questioned where the parcel was located along River Rd. Mr. Jones stated that it was south of the East Bank development between Buttonwood St and Washington St.

Mr. Waltman questioned why the easement was necessary. Mr. Jones stated that it was for improvements to the 18th Ward pumping station.

Mr. Waltman questioned if the river would be affected. Mr. Jones stated that the River will not be affected.

It was noted that two resolutions need to be added to this evening's agenda – an additional Main St resolution and the tax exoneration for Mr. and Mrs. Krauthauser.

IV. Other Business

Ms. Kelleher reported that five citizens were scheduled to speak on the possible six pet limit per household and the exotic animal fee.

Mr. Waltman questioned what the Administration was planning for the budget shortfalls for 2009. He stated that the Finance Committee was told that an accounts receivable or accounts payable consultant would be brought in to review these issues. He stated that he has heard whisperings that the Administration is planning to enter Act 47. He requested that the Administration be in communication with Council in this regard.

Mr. Hottenstein stated that the Administration is reviewing the 2009 budget shortfalls and will bring amendments forward as necessary. He stated that the 2010 budget will need to address major issues. He stated that Act 47 is one option that the Administration is reviewing. He stated that the pros and cons need to be known as this is an important decision. He stated that the Administration would communicate with Council on this issue.

Mr. Waltman stated his belief that if some are aware that the City will enter Act 47 and Council does not that it undermines the entire City. He questioned if the Administration is working on activities specific to Act 47 and what their current plan is.

Mr. Fuhs requested that Act 47 be placed on the Finance Committee agenda for monthly review. He stated Council's need to also be aware of the pros and cons. Mr. Hottenstein stated his willingness to discuss this issue.

Ms. Goodman-Hinnershitz stated that all are aware of the financial problems of the City. She stated that discussions to date have spurred rumors. She stated that some preliminary discussions have occurred but that it is time for specifics.

Mr. Marmarou described a situation in which a resident of Muhlenberg stated that layoffs will be occurring due to the City's entering Act 47. Mr. Hottenstein stated that rumors cannot be controlled.

Mr. Fuhs requested that if the Administration is working on a plan to enter into Act 47 that it must be addressed with Council.

Mr. Spencer stated that Council also needs to be prepared. He stated that Council should understand the benefits, pitfalls and what is hoped to be achieved by entering Act 47.

Mr. Waltman stated his belief that Act 47 may not be the only way out of the crisis.

Mr. Fuhs agreed and stated that the Finance Committee needs to stay focused on this issue. He stated that the Management Partners report of 2006 and the PEL Five City Study of 2009 both point the City to Act 47. He stated that problems with tax exempt properties and the lack of a reassessment also add to the City's problems.

Mr. Waltman again stated that Act 47 is not the only solution. Mr. Hottenstein stated that the Administration does not have a firm plan but that they are formulating one.

Mr. Waltman requested that this plan be shared with Council.

Mr. Spencer questioned why other cities such as Allentown and Harrisburg are not entering Act 47. Mr. Hottenstein suggested that all of Council review the PEL Five City Study of 2009 prior to the budget summit on June 20. He stated that all five of these cities are heading in the same direction as Reading.

The meeting adjourned at 6:47 pm.

Respectfully Submitted
Linda A. Kelleher, CMC
City Clerk